

UNITED STATES DISTRICT COURT

for the

Eastern District of Michigan

United States of America

v.

Isaias HERNANDEZ CHAVEZ

Case: 2:22-mj-30042

Assigned To : Unassigned

Assign. Date : 1/28/2022

CMP: USA v HERNANDEZ CHAVEZ (MAW)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of January 19, 2022 in the county of Wayne in the
Eastern District of Michigan, the defendant(s) violated:

*Code Section**Offense Description*

Title 8, United States Code, Section 1326(a)

Unlawful Re-Entry after Removal from the United States

This criminal complaint is based on these facts:

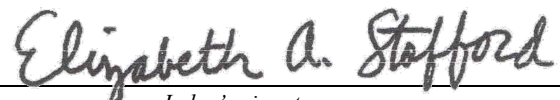
On or about January 19, 2022, in the Eastern District of Michigan, Southern Division, Isaias HERNANDEZ CHAVEZ, an alien from Guatemala was found in the United States after having been denied admission, excluded, deported, and/or removed therefrom on or about May 4, 2018, and not having obtained the express consent of the Attorney General of the United States or the Secretary of Homeland Security to re-apply for admission thereto; in violation of Title 8, United States Code, Section 1326(a).

☒ Continued on the attached sheet.*Complainant's signature*

Christopher Carr, Deportation Officer

Printed name and title

Sworn to before me and signed in my presence.

Date: January 28, 2022City and state: Detroit, Michigan*Judge's signature*

Elizabeth A. Stafford, United States Magistrate Judge

Printed name and title

AFFIDAVIT

I, Christopher Carr being duly sworn, do hereby state:

1. I am a Deportation Officer with the United States Department of Homeland Security, United States Immigration and Customs Enforcement (ICE). I have been employed in this capacity since March 2019. Currently, I am assigned to the Fugitive Operations Program. The facts set forth herein are based upon my personal knowledge as well as information provided by other law enforcement officers to include Immigration and Customs Enforcement Officers and record checks of law enforcement databases. I have also reviewed the Alien Registration File and system automated data relating to Isaias HERNANDEZ CHAVEZ; which attests to the following:
2. Isaias HERNANDEZ CHAVEZ is a forty-three-year-old male, native and citizen of Guatemala, who last entered the United States at or near an unknown place, on or about an unknown date without being admitted, inspected or paroled by an Immigration Officer.
3. On or about April 15, 2018, the United States Border Patrol (USBP) arrested HERNANDEZ CHAVEZ at or near Sasabe, AZ. USBP issued and served HERNANDEZ CHAVEZ Form I-860 (Notice and Order of Expedited Removal).
4. On May 4, 2018, ICE removed HERNANDEZ CHAVEZ to Guatemala via ICE Air Operations from Mesa, Arizona.
5. HERNANDEZ CHAVEZ re-entered the United States at an unknown place, on an unknown date without being admitted, inspected or paroled by an Immigration Officer.
6. On August 29, 2021, the River Rouge Police Department arrested HERNANDEZ CHAVEZ for a traffic offense (OUIL). This case is currently pending. It should be noted that based on information contained in the police report from this incident his blood alcohol content (BAC) was .18 and he was sleeping behind the wheel of a vehicle that was running and in gear. The vehicle was parked in the middle of a pedestrian walkway.
7. On January 19, 2022, HERNANDEZ CHAVEZ was encountered and arrested by immigration officers in River Rouge, Michigan. HERNANDEZ CHAVEZ's fingerprints and photograph were captured and entered into the Automated

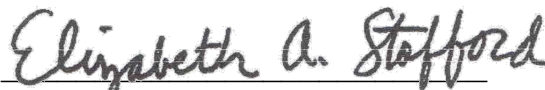
Biometric Identification System (IDENT) and the Integrated Automated Fingerprint Identification System (IAFIS). The results revealed that HERNANDEZ CHAVEZ is a citizen of Guatemala who has been previously removed from the United States. The record checks did not provide any evidence that HERNANDEZ CHAVEZ legally entered the United States or had been issued any legal immigration document to allow him to enter or remain the United States. HERNANDEZ CHAVEZ was served with an 1-871, Reinstatement of a Prior Order of Removal.

9. The aforementioned arrest and subsequent detention was an administrative, non-criminal action made pursuant to the authority found in sections 1357, 1225, 1226, and/or 1231 of Title 8, United States Code to arrest and detain any alien entering or attempting to enter the United States, or any alien present in the United States, who is reasonably believed to be in violation of any law or regulation regulating the admission, exclusion, expulsion, or removal of aliens.
10. Review of records from the Alien File (A# XXX XXX 300) for HERNANDEZ CHAVEZ and queries in Department of Homeland Security databases confirm that no record exists of HERNANDEZ CHAVEZ obtaining permission from the Attorney General or the Secretary of the Department of Homeland Security to re-apply for admission to the United States following his removal on May 4, 2018.
11. Based on the above information, I believe there is probable cause to conclude that HERNANDEZ CHAVEZ is an alien who was found in the United States after removal, without the express permission from the Attorney General of the United States or from the Secretary of the Department of Homeland Security to re-apply for admission into the United States in violation of Title 8, United States Code, Section 1326(a).



Christopher Carr, Deportation Officer
United States Department of Homeland Security
Immigration and Customs Enforcement

Subscribed and sworn to before me in my presence and/or by reliable electronic means this
28th day of January 2022



Honorable Elizabeth A. Stafford
United States Magistrate Judge